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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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03/31/2004

Peter Siepen

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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,501

Applicant(s)

SIEPEN ET AL.

Examiner

Cristina Owen Sherr

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3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to applicant's amendment filed March 27, 2007. Claims 1-14 and 17-18 are currently pending in this case.

Election/Restrictions

2. The requirement for election of species, mailed February 23, 2007 is hereby withdrawn. Since the species are not patentably distinct, an election of species is improper at this time. If applicants disagree with examiner, applicants are respectfully reminded to traverse this finding in accordance with 37 C.F.R. sec. 1.111(b) and to provide appropriate evidence in support of their position.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi et al (US 7,212,989).

5. Regarding claim 1 -

Taniguchi discloses a method for outputting protected useful data in a vehicle (e.g. abs), the method comprising: granting a usage authorization of the data in the vehicle as a function of one of a road traveled and an area traveled (e.g. col 8 ln 30-47).

6. Regarding claim 2 –

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Taniguchi discloses a method as in claim 1, wherein the data is encrypted data (e.g. col 7 ln 55-60).

7. Regarding claim 3 –

Taniguchi discloses a method according to claim 1, further comprising transmitting the useful data via a radio signal into the vehicle (e.g. col 7 ln 62-67).

8. Regarding claim 4 –

Taniguchi discloses a method according to claim 1, further comprising providing the useful data on a storage medium in the vehicle. (e.g. col 2 ln 47-57).

9. Regarding claim 5 –

Taniguchi discloses a method according to claim 1, further comprising transmitting the usage authorization via a radio signal into the vehicle. (e.g. col 7 ln 32-40).

10. Regarding claim 6 –

Taniguchi discloses a method according to claim 1, further comprising providing the usage authorization on a storage medium in the vehicle.(e.g. col 2 ln 47-58).

11. Regarding claim 8 –

Taniguchi discloses a method according to claim 1, further comprising determining using a navigation system whether the vehicle is located inside the area for which a usage authorization was granted. (e.g. col 4 ln 19-34).

12. Regarding claim 8 –

Taniguchi discloses a method according to claim 1, further comprising electronically debiting a fee for the usage authorization as soon as one of (a) the useful data is played

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back, (b) a specific area is traveled and (c) a specific road is traveled.(e.g. col 4 ln 42-59).

13. Regarding claim 9 –

Taniguchi discloses a method according to claim 1, further comprising checking in a rights analysis unit, which is coupled to a playback unit, whether a usage right exists for the useful data to be played back. (e.g. col 11 ln 1-3).

14. Regarding claim 10 –

Taniguchi discloses a method according to claim 9, further comprising decrypting the useful data in the rights analysis unit. (e.g. col 9 ln 30-47).

15. Regarding claim 11 –

Taniguchi discloses a method according to claim 9, further comprising: transmitting a decoding key from the rights analysis unit to the playback unit; and decrypting the useful data in the playback unit using the decoding key. (e.g. col 9 ln 30-47).

16. Regarding claim 12 –

Taniguchi discloses a method according to claim 9, further comprising granting the usage right with a time restriction. (e.g. col 9 ln 30-47).

17. Regarding claim 13 –

Taniguchi discloses a method according to claim 9, further comprising granting the usage right for a specific road type. (e.g. col 9 ln 30-47).¹

18. Regarding claim 14 –

Taniguchi discloses a method according to claim 13, wherein the usage right is granted for toll roads of an operating company (e.g. col 22 ln 57-67).

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19. Regarding claim 17-18 –

Claims 17-18 are rejected under the same criteria as above.

20. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


22. Hoshino et al (US 6,088,680) discloses automatic toll adjusting system, and storage medium with a radio communication function, frequency converting apparatus, writing apparatus, settling apparatus, depositing apparatus and inquiring apparatus therefor.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.


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24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cristina Owen Sherr

Patent Examiner, AU 3621


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